

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/7063,356	04/21/98	BEATTIE	K 029623/0109

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COLIN G. SANDERCOCK
FOLEY & LARDNER
3000 K ST NW
STE 500
WASHINGTON DC 20007-5109

 EXAMINER

SAUNDERS, D

ART UNIT	PAPER NUMBER
	1644

DATE MAILED: 11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit:

REASONS AMENDMENT NOT ENTERED

The amendment will not be entered because it is confusing. Directions for insertion and deletion of material in claim 21, at line 9, result in no net change.

The change to claim 66 would require further considerations regarding descriptive support.

REJECTIONS MAINTAINED

Regarding 112 descriptive support issues, recitations of "about" with various dimensions that were not originally recited are maintained as improper. Most particularly the examiner notes the area dimensions of claims 31,51,73 are lacking in support (See Paper 11, pages 5-6).

Regarding the terms "glass" or "silicon" the examiner maintains the rejection on the basis that the claims recite no dimensions for the channels which would inherently limit the substrate to one that has nanochannel glass or microporous silicon.

Other descriptive support rejections are maintained because the claims are based upon mixing and matching of various specific portions of the disclosure that result in recitations of new genuses/subgenuses of assays or of compositions used therein. Applicant is further reminded that disclosures of various species (e.g. of labels, of analytes) cannot support broader genuses/subgenuses containing the species, and applicant is reminded that variations that one might have found obvious from the disclosure cannot provide the standard for what was described.

Art Unit:

REJECTIONS WITHDRAWN

Assuming that claim 63 were to be amended with the proposed language, the 112 rejection pertaining to this claim would be overcome.

The prior art reactions are withdrawn. The examiner concurs that Degen's membranes do not have discrete channels. Degen in combination with various secondary and tertiary references does not render the instant invention obvious.

CLARIFICATIONS

The examiner concurs with applicant (page 8) that the claim at issue is 66, not 55 or 65, as stated in Papers 9 and 11, respectively.

Any inquiry concerning this communication should be directed to D. Saunders at telephone number (703) 308-3976.

Typed 11/7/00 DAS

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182 1644